

PLANNING AND ZONING COMMISSION
August 10, 2015 Meeting Minutes

These minutes are not official until approved at a subsequent meeting.

Commission Members Present: Vincent Zimnoch, Alan Gannuscio, Jim Szepanski, and Mike Forschino

Commission Members Absent: Alexa Brengi, Cindy Cooper (Alternate), and Pat Sayers (Alternate)

Town Staff Present: Jennifer Rodriguez (Town Planner), and Dana Steele (Town Engineer)

I. Call to Order

Chairman Zimnoch called the meeting to order at 7:09 pm.

II. Roll Call

Commission roll call was taken.

III. Approval of Minutes from the June 8, 2015 and July 13, 2015 Regular Meetings

Chairman Zimnoch stated that approval of the June 8, 2015 and July 13, 2015 minutes will be postponed to the September 14, 2015 meeting.

IV. Public Hearings (none)

V. Reviews (none)

VI. Action on Closed Public Hearing Items (none)

VII. Old Business

A. Discussion with Commission and Staff (none)

B. Action Items (none)

VIII. New Business

A. Public Input (none)

B. Receive New Applications

i. Zone change to AIOZ designation for Simon Outlet Project (Thrall Property)

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission schedules the application of Simon Group for a zone change to the AIOZ for the property located on Old County Road at Map 56, Block 127, Lot 1, for a public hearing on September 14, 2015.

C. Informal Discussions

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission adds to this evening's agenda for discussion the submission/site plan modification for 43 Smalley Road by the applicant, Michael Blanchette.

*** *Site plan modification for 43 Smalley Road***

Attorney Paul Smith, representing the applicant, addressed the commission. He stated that 43 Smalley Road is on an acre and a half and is presently being used as a contractor's yard. The application is to add an 800 square foot addition to the existing building and add additional landscaping along the side yards of the property. The property will continue to be used as a contractor's yard. The proposed change was approved by the Zoning Board of Appeals last week. As this is a minor change to the existing site plan, they are asking that this change be approved administratively.

Mr. Gannuscio asked if the ZBA granted a waiver or a variance. Attorney Smith explained that it was for a variance and was for coming closer to the side yard. There was a question of expansion of an existing non-conforming use in that zone because it's a Residence A. At this ZBA meeting there was a lengthy public hearing, at which time fencing and additional plantings for some neighbors were discussed. Attorney Smith stated that this application was supported by people in the neighborhood at this public hearing.

Ms. Rodriguez commented that she thinks this is a minor addition so she is comfortable reviewing it, but this is the first time Mr. Steele is seeing this application, and suggested that the commission gets his input and thoughts.

Mr. Steele stated that from a technical point of view, the applicant has the variance now and is allowed to put the building that distance. He said that it's a simple application. He would perhaps go out to look at the drainage, so a site visit would probably be sufficient. No topographical plan was submitted but if they felt it was necessary they could request that. Fencing is not something the commission can require, but the applicant is on record as offering to provide

fencing and could provide more specific information. Mr. Steele confirmed with Attorney Smith that a use variance was requested because contractor yards are not allowed in a residential zone. Mr. Steele asked if in other business zones a contractor yard was a site plan review or a special permit process. Attorney Smith responded that he was not sure, that he would have to look at the regulations. Mr. Steele went on to say that if it's a special permit process then that would typically involve a public hearing to give the public an opportunity to comment on the site plan, which you would not have with a staff review. However, this application has been through a public hearing process with the ZBA, if the commission is satisfied with that. Mr. Steele commented that it's really a case where there is no Use table to tell you what kind of application this should be. Attorney Smith replied that with a special use what you're doing is approving the use. Here the use is approved and is grandfathered, and this slight expansion is approved.

Mr. Forschino asked why the property is being sold with the grandfather clause. Attorney Smith explained that the grandfather carries through with the property no matter who the owner is; i.e., the use travels along with the property. Mr. Forschino went on to say, "When this was originally built, before the regulations went into effect in 1940, they had built 3 feet, 3 inches away from the property line. The regulations are 10 inches away but you can get down to maybe five if you push it, but beyond the regulations...I know you can't change what was approved already, but when new owners come in, do they have to revert back to what the regulations are now?" Attorney Smith replied that when you have a building that existed before side yards were even in place, and the regulations change, then the building becomes non-conforming. That doesn't mean you have to conform the building. You can go get a variance to extend it a little bit more. Mr. Gannuscio asked what the hardship was. Attorney Smith responded that, given the current use for the property, in order for it to continue on, they needed a building with more storage capacity.

Mr. Szepanski had a few questions. Attorney Smith replied that his client has a small operation with jobs off-site and would probably only have a small amount of material stored that would be moved off-site the next day. Mr. Szepanski was concerned about there being contamination in the soil. Attorney Smith replied that there has been a Phase One done on this property, and there did not appear to be any obvious problems or contamination. Chairman Zimnoch noted that they have consensus on staff approval for this application.

Mr. Steele mentioned that there are no sidewalks on this side of the street and asked if it was the commission's interpretation that sidewalks would be deferred or waived for this application. Mr. Gannuscio replied, "Deferred." Chairman Zimnoch felt sidewalks on the other side were sufficient. Mr. Steele pointed out that the deferral just requires the filing of an agreement on the land records. Attorney Smith's viewpoint was that this is not a waiver because it is not required. Chairman Zimnoch said that because there is a sidewalk on the other

side of the street, he did not feel sidewalks were necessary on this side of the street. Mr. Szepanski commented that there were three ways the commission could go on the sidewalk issue for this application: say nothing and let it go, grant a waiver, or grant a deferral. He added, "By silence you give a waiver." Attorney Smith responded, "I would like to think of it as not a waiver, but more that sidewalks on that side are not something as a planning function you want at this point." Chairman Zimnoch said, "So I think we can forget about a waiver of sidewalks."

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission approves the site plan modification for 43 Smalley Road to add the building extension, to be approved by staff with the condition that staff approve the final site plan.

ii. IHZ/Housing Study regarding draft regulations

Rebecca Auger and Rebecca Parkin, consultants for Milone and MacBroom, a consulting firm hired by the commission to do the incentive housing study, addressed the commission. Ms. Auger summarized for the commission: the commission applied for and received a grant from the State Department of Housing to do this study which is intended to look at the feasibility and appropriateness of using the state's housing and economic growth program set up through state statutes six or seven years ago to incentivize the development of affordable housing. The way that the program operates is the incentives are not only for developers but also for communities to adopt regulations to encourage and promote the development of more affordable housing. One of the incentives is the grant money the commission received to do this study. Further incentives are that if you were to adopt incentive housing zone regulations, there is a zone adoption incentive payment to you that is based on the approximate number of units you might yield in such a zone. If a developer comes in and gets approved by you a plan to develop incentive housing developments which includes some affordable housing units, there is a building permit incentive given to the community based on the number of units that are permitted. These incentives are rather small economically, but the intention is for you to take a good look at your zoning regs and your community and where it may be appropriate to encourage more affordable housing and what regulatory means you might use to do that.

For the study they have worked with a small subcommittee which included Patrick McMahon, Mike Forschino, Jen Rodriguez, the Housing Authority, and some business owners and property owners in the downtown area. Ms. Auger explained that they have focused on the downtown for several reasons. The primary reason is that with the TOD planning work that has been done, this program fits in nicely with that because you have similar goals of rejuvenating downtown with more residential development and more mixed income development because that was the lifeblood of Windsor Locks at one time. That TOD planning work fits in well with the goals of this program, and so they have

focused on the downtown in looking at potential properties where an incentive housing zone, or IHZ, may land. Working with the subcommittee, they looked at several parcels, and some rose to the top for a variety of reasons, including their current disposition and ownership situations. They looked at the Housing Authority's piece and Main Street and the triangle of Main and Chestnut. Their engineers and landscape architects came up with some conceptual plans on what might fit into those properties for mixed use development/residential above first story retail commercial. They took data and information on the need for affordable housing and the type of units that you'd be looking at which is primarily smaller units to serve single person households or couple households. What is defined as affordable for an incentive housing zone is 80% of area median income, so using 2014 figures, you are looking at a single person who made around \$48,000, and a couple that was around \$52,000. It translates to monthly rents or mortgage payments at around \$1,200. That is what is affordable under this program. It is not for the lowest of low income. Incentive housing development needs to include 20% of units as affordable, so it's not an overwhelming majority of the units.

They took a lot of that background information and their concept plans to a public meeting in February to the high school. There were some developers there who spoke to them after the meeting, and they talked about how this may be appropriate not just on those two sites, but they could envision how this might be appropriate in the larger Main Street area. Ms. Auger said they decided to draft regulations that applied to the Main Street Overlay Zone area because they feel like the intentions of the incentive housing program are so similar to what has already been established in the MSOZ, so it makes sense to open up the whole area. However, they are willing to work with the commission to adjust and fine tune these regulations if the commission feels this idea is appropriate for Windsor Locks.

Ms. Parkin now addressed the commission regarding the details of the regulations, which are very similar to the MSOZ regulations, and the similarities and differences between the two.

Mr. Steele asked Ms. Auger, "Have you found in looking at the mixed income level housing that it has any tangible effect on the actual number of parking spaces needed for the use? Does the use go down because more people don't have cars because they can't afford them and they're using public transportation? Is there any justification for that?" She replied that she has not seen any data that would support that.

Ms. Auger commented that for the Housing Authority piece, if you partnered with a private developer, they are confident you could get 20 to 22 additional units there. However, the Main Street/Chestnut site is a more challenging site, and they are not as confident that you could get 16 units.

There was a lengthy discussion about the Montgomery building.

Ms. Auger stated that the incentive for developers is that the commission has set up regulations that are very clear to them such that no special permit is required. The process is streamlined, which is a huge incentive.

Steve Wawruck pointed out that this is not low income housing. It is workforce housing. When they say affordable housing, it is not Section 8, it is not the low income. This is workforce housing—affordable housing for those municipal employees with student loans and with other variations of how can they afford to live in the town they work in.

Ms. Auger talked briefly about 8-30g, an affordable housing appeal. Developers want to know that a community is going to be accepting before they invest their money in planning some sort of development, and that's exactly what these regulations are intended to do. She said she encourages commission members to take a look at the basic primer on the website that they put together in November on what the affordable limits are. For a four-person family it's almost \$64,000 in 2014 figures, which translates to almost \$1,300 a month in rent or mortgage, and that's only 20% of the units. The rest of them could be market rate.

Chairman Zimnoch asked about the administrator of this program. Ms. Auger replied that it could be anyone you designate. In communities that have done this it tends to be the Housing Authority because you need an agency familiar with doing those kinds of calculations.

Chairman Zimnoch commented that the biggest issue is the parking. A viable business will want parking because you can't depend on a pedestrian traffic to support your business. Ms. Rodriguez added that maybe that's why it wouldn't happen until you have that pedestrian traffic already, that somebody would be looking at this as an opportunity once the station moved. Ms. Auger said it's a leap of faith in that the town has already created a regulatory structure that allows for creativity on the part of a developer and trusting that a developer is going to try to build what they can market. It's putting it on the developer to figure out what they can arrange through shared parking arrangements or creative site layout to come up with something that the market would support. Chairman Zimnoch remarked that if it's going to happen then it will have to be in that area and if the train station moves then there will be a lot of other things that will be possible, but now it's just a wish. Ms. Auger agreed that right now it's a chicken in the egg, but said now is a good time for the commission to set up the regulations.

Ms. Rodriguez suggested that commission members let her and the consultants know how they feel about moving forward if this were to be a draft regulation. It's not for approval but would go to the public again. Ms. Auger said they had committed to doing two major public outreach efforts and had suggested to Ms. Rodriguez, since there was not a great turnout at the first meeting, possibly a

community survey instead of a meeting to get better feedback. She suggested that if the commission is comfortable right now with these regulations that they be forwarded to the attorney for a look before they go to the public.

A discussion took place regarding this spanning over the MSOZ versus a smaller area and how the areas were designated.

Mr. Szepanski asked if there is a deadline where the town has to say if they're in or out as far as getting state funding for this. Ms. Auger responded that the program will be fizzling out but the town will have about a year in which to act to get any incentive payments. Ms. Auger stated, "There is no obligation for you to act on this anytime soon, or even start bringing it public anytime soon, but we would suggest that it is in your interest to get yourself well positioned for transit oriented development to occur in downtown, and this is one tool that could help you. If the incentives are not large enough for you, it doesn't have to be an incentive housing zone regulation. You might tweak it. Maybe the 20 units is just beyond what you're comfortable with. Well, then maybe just consider going back into your MSOZ regs and considering requiring some affordable units there, and then you're not under the state's umbrella of "it has to meet XYZ standard." You can set the standards. I would just suggest it is a good planning practice to encourage more mixed income development rather than affordable housing developments that are overwhelmingly workforce housing units."

Ms. Rodriguez asked commission members how they felt about a survey going out. Chairman Zimnoch said he would like to think about it more and discuss it amongst themselves to get a consensus before moving on. Mr. Gannuscio suggested leaving it on the agenda. Ms. Auger said if they have any questions they can go through Ms. Rodriguez.

i. Home occupation for tutor and piano lessons, 330 Green Manor Terrace

Ms. Rodriguez said they did not submit an application, that this was a proposed application of an activity. They wanted to have tutoring in their home, one student at a time. The regulations allow the commission to either review as a site plan application or to waive that requirement. In that instance, she would just document what they are interested in doing, and if they had a lawn sign she would regulate that based on the regulations. Or she can direct the applicant to come in and apply to the commission for a site plan review, or the commission could require a public hearing. Chairman Zimnoch and Mr. Gannuscio stated they would like to talk to the individual in person at the next meeting.

OTHER

Mr. Gannuscio suggested that commission members entertain the thought of having a second meeting in September in case the meeting runs long and the public hearing needs to be continued.

Ms. Rodriguez updated the commission on the Reflexology Spa on Old County Road.

X. Adjournment

It was **MOVED** (Zimnoch) and **SECONDED** (Gannuscio) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission adjourns the August 10, 2015 meeting at 8:58 pm.

Respectfully submitted,

*Debbie Seymour
Recording Secretary*